

**SUPREME COURT OF CALIFORNIA  
ORAL ARGUMENT CALENDAR  
SAN FRANCISCO SESSION  
JANUARY 10, 2006**

The following cases are placed upon the calendar of the Supreme Court for hearing at its courtroom, located at 350 McAllister Street, Fourth Floor, San Francisco, California, on January 10, 2006.

**TUESDAY, JANUARY 10, 2006—9:00 A.M.**

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|-----|---------|--|
| (1) | S112621 | Evans et al. v. City of Berkeley et al.  |
| (2) | S127641 | Frye v. Tenderloin Housing Clinic, Inc.  |
| (3) | S125502 | Connerly v. State Personnel Board et al. |

**1:30 P.M.**

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|-----|---------|---|
| (4) | S119575 | Avila v. Citrus Community College District              |
| (5) | S042698 | People v. Jurado (Robert) [ <i>Automatic Appeal</i> ]   |
| (6) | S037006 | People v. Huggins (Michael) [ <i>Automatic Appeal</i> ] |

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**GEORGE**  
*Chief Justice*

If exhibits are to be transmitted to this court, counsel must comply with rule 18(c) of the California Rules of Court.

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The following case summaries are issued to inform the public and the press of cases that the Supreme Court has scheduled for oral argument and of their general subject matter. Generally, the descriptions set out below are reproduced from the original news release issued when review in each of these matters was granted and are provided for the convenience of the public and the press. The descriptions do not necessarily reflect the view of the court or define the specific issues that will be addressed by the court.

**TUESDAY, JANUARY 10, 2006—9:00 A.M.**

***(1) Evans et al. v. City of Berkeley et al., S112621***

#03-39 Evans et al. v. City of Berkeley et al., S112621. (A097187; 104 Cal.App.4th 1; Superior Court of Alameda County; 809180-4.) Petition for review after the Court of Appeal affirmed the judgment in a civil action. This case includes the following issue: Did the City of Berkeley violate the free speech or expressive association rights of the members of the Sea Scouts by terminating the group's rent-free use of space at the Berkeley Marina because of the group's refusal, due to its charter from the Boy Scouts of America, to accept the city's requirement that it agree not to discriminate on the basis of religion or sexual orientation?

***(2) Frye v. Tenderloin Housing Clinic, Inc., S127641***

#04-127 Frye v. Tenderloin Housing Clinic, Inc., S127641. (A104078; 120 Cal.App.4th 1208; Superior Court of San Francisco County; 989-112.) Petition for review after the Court of Appeal affirmed in part and reversed in part the judgment in a civil action. This case includes the following issues: (1) Is a nonprofit public benefit corporation that provides legal representation, in addition

to other services, to the public required to register with the State Bar of California under Corporations Code section 13406(b)? (2) If so, is it appropriate for a court to require a nonprofit corporation that has failed to register with the State Bar to disgorge statutory attorney fees to which the nonprofit corporation would otherwise be entitled?

**(3) *Connerly v. State Personnel Board et al.*, S125502**

#04-88 Connerly v. State Personnel Board et al., S125502. (C043329; unpublished opinion; Superior Court of Sacramento County; 96CS01082.) Petition for review after the Court of Appeal affirmed an order awarding attorney fees in a civil action. This case includes the following issue: Does the “private attorney general” fee shifting statute (Code Civ. Proc., § 1021.5) authorize an award of attorney fees against nongovernmental entities that initially filed amicus briefs on behalf of defendant state agencies and thereafter were designated real parties in interest by the trial court and continued to participate in the action, when the nongovernmental entities did not create the programs challenged in the underlying action and had no authority to terminate or modify those programs?

**1:30 P.M.**

**(4) *Avila v. Citrus Community College District*, S119575**

#03-147 Avila v. Citrus Community College District, S119575. (B158572; 111 Cal.App.4th 811; Superior Court of Los Angeles County; KC037803.) Petition for review after the Court of Appeal reversed the judgment in a civil action. This case includes the following issues: (1) Did the defendant community college district have a special relationship giving rise to a legal duty of care to a student from another community college who was injured while participating in a preseason intercollegiate baseball game? (2) Does Government Code section 831.7

immunity for hazardous recreational activities apply to the player's claims for personal injury due to the defendant's allegedly negligent conduct?

***(5) People v. Jurado (Robert), S042698 [Automatic Appeal]***

This matter is an automatic appeal from a judgment of death.

***(6) People v. Huggins (Michael), S037006 [Automatic Appeal]***

This matter is an automatic appeal from a judgment of death.